



Department of Community Development

Request for Qualifications (RFQ)

Date of Issue: **March 9, 2015**

Due Date: **April 10, 2015**

**Department of Community Development – Consulting and Technical Assistance
Engagement**

Through this RFQ, the City of Durham is seeking interest from firms to assist the City with its ongoing effort to 1) develop affordable housing strategies inclusive of the transit corridor areas; 2) end homelessness; 3) to update strategies with the Department's ongoing federal entitlement program responsibilities; and 4) implement staff development initiatives.

Questions about this RFQ should be directed to:

Project Manager	Reginald J. Johnson
Title	Director
Department	Community Development
Address	807 E. Main Street, Suite 2-200, Durham, NC 27701
Telephone	919-560-4570, ext. 22223
Email	reginald.johnson@durhamnc.gov

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10. Date of RFQ: The date of issuance is March 9, 2015 and the due date for receiving proposals is 4 PM on April 10, 2015.

20. Project Manager and Contact with City; Questions about this RFQ. Direct questions and concerns to:

Reginald J. Johnson, Director
Department of Community Development
807 E. Main Street, Suite 2-200
Durham, NC 27701

Phone: (919) 560-4570, ext. 22223

Fax: (919) 560-4090

Email: reginald.johnson@durhamnc.gov

DESCRIPTION OF PROJECT AND NATURE OF RFQ

30. Project. The Department of Community Development (“Department”) of the City of Durham, North Carolina seeks statements of qualifications and experiences from firms to participate in and support a new dimension of the Department’s mission to spur the creation of affordable housing in the community. The Department’s mission is to foster safe, decent, and sustainable neighborhoods and to enhance housing quality and affordability for the residents of Durham. The mission is being impacted by a challenge and opportunity to develop strategies for the creation of affordable housing in designated locations that will be defined in concert with a planned transit rail line with a proposed route running through the City of Durham as a part of a larger regional transit project. A consulting and technical assistance relationship is being sought that involves working with Department staff to develop and implement updated affordable housing strategies inclusive of the proposed transit corridor areas. Consulting and technical assistance is also sought to assist with homelessness prevention strategies, and designing and implementing related staff development initiatives. This will include integrating the updating strategies within the Department’s existing federal government entitlement program responsibilities, and for projects that are currently being planned and implemented.

35. Background. The Department has been designated to administer funds and programs from the U. S. Department of Housing and Urban Development (HUD) Entitlement Programs. As such, the Department administers the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG), and Housing for Persons with AIDS (HOPWA). The Department also administers the federal requirements under the HUD Continuum of Care (CoC) Program and the Special Needs Assistance Program (SNAP). These programs are administered to create options and opportunities for the development and provision of affordable housing and to address homelessness in the Durham community as defined by HUD. In support of this mission, the Durham City Council has taken an action to levy a special purpose property tax that creates a Dedicated Housing Fund (DHF) for the creation of affordable housing.

The Department currently consists of 22 positions. The administration of the Department is headed by a Director. One Assistant Director for Finance and Administration supports the Director. Another Assistant Director for Housing Production is vacant and is likely to remain so during a major portion of the Consulting and Technical Assistance relationship period. The Department's budget is composed of approximately \$3.5 million in entitlement and grant funds, \$2.5 million from the special local tax levy, and \$1.8 million from the City of Durham general fund for a total of approximately \$7.8 million.

In administering these programs, the Department is charged with the responsibility to form a strategy to identify affordable housing needs in the community and respond to these needs through the effective use of the federal, state, private sector, and local funding resources. Key components in the strategy include a commitment by the Department to revitalize disinvested neighborhoods, and to support the creation of opportunities for the private marketplace to participate in addressing affordable housing needs. The strategy includes supporting new development along with the rehabilitation and preservation of existing housing stock. The creation of mixed-income communities is among the desired outcomes. In concert with this strategic focus, the Department along with its development partners is in the final stages of completing the first phase of a Low Income Housing Tax Credit (LIHTC) rental complex (containing 132 units in this phase), and the first phase of a mixed-income home ownership development containing 48 single-family units. Both developments are in the Southside neighborhood of Durham where decades of disinvestment occurred. A second phase of the rental project is in the early development stages and a subsequent phase is being planned for additional 22 homeownership opportunities.

Leaders in the public and private sectors in the Triangle region of North Carolina have been planning a transit rail line that optimally would connect the Triangle cities of Raleigh, Durham, Cary, and Chapel Hill, along with the Research Triangle Park. Durham and Orange (Chapel Hill) counties have enacted local sales tax increases to support the creation of the connecting Durham/Chapel Hill portion of the proposed transit line.

The City of Durham has recognized the need to prepare for the potential transit line with eleven proposed stations within the Durham city limits. A concern for government and community leaders is the impact of the proposed transit corridor on housing affordability near station areas where development density and related outcomes may increase the challenge of creating affordable housing options for low and middle-income residents. As an initial remedy, the Durham City Council passed a resolution which sets a goal of having 15% of housing within one half mile of each of the proposed transit stations be affordable to persons at or below 60% of the Area Median Income (AMI).

In addition to agency specific work, the Department has engaged with other City agencies to work on station area development strategies that would include the creation and preservation of affordable housing. This work may include making inventories of existing affordable units (subsidized and non-subsidized), assessing physical infrastructure needs in the transit areas, and assessing regulatory options that could facilitate potential development opportunities to include affordable housing.

40. Scope of Work. The Department is faced with the challenge and opportunity to expand its focus to strategies incorporating affordable housing into the proposed rail transit line corridor development opportunities. This proposed scope of work includes preparing affordable housing plans in station areas that will be used for Durham's *Federal New Starts* funding application for the development of the transit line. The application will be prepared and submitted in phases as instructed by the process from June, 2015 through 2018. This means the work is to be accomplished within a period of approximately 2 years from the commencement of this professional engagement. Consulting services are being sought to support this emerging and time-sensitive planning work. In addition, providing insight on adjustments within the Department's structure that may be necessary to support this work. For the core phase of work, the Department seeks to add skill sets and a base of experience in transit-oriented development to its resources, and to create a capacity for the continuance of this work when the consulting relationship has concluded. The consultant will help guide the Department in incorporating this strategy with a careful consideration of its existing strategies, projects and commitments. This work will include elements of technical guidance, staff development, and training on project management in addition to assessing current skill sets and making recommendations on strengthening the Department's capacity commensurate with the level required to successfully advance affordable housing creation and preservation into the future. As such, the Department's request for a scope of work should include, but not be limited to the following elements:

- a) Work on prioritizing the allocation of federal and local resources in coordination with current and emerging strategic goals;
- b) Strategic planning and resource identification for the creation and preservation of affordable housing along the proposed transit line corridor and other areas as informed by overall strategies, to include homelessness prevention;
- c) Providing support for creating local government policies, strategies and options for development incentives, and adopting regulatory tools that support affordable housing development;
- d) Providing leadership in creating organizational capacity in the Community Development Department to support the implementation of the emerging program strategies;
- e) Developing protocols and policy materials to be used to interact with public and private sector entities that propose residential development;
- f) Facilitating working with community stakeholders and other City Departments as a part of creating the emerging strategies;
- g) Establishing criteria for the City to consider options to initiate affordable housing development opportunities in concert with Department strategies; and
- h) Enhancing the private development community's understanding of City development policies and resources that are associated with the City's efforts to achieve its affordable housing goals.

50. Compensation Amount and Schedule. Revenue in the range of \$170,000 to \$190,000 is available for the first year of the engagement.

A POTENTIAL FOLLOW-UP PHASE: At the conclusion of the core phase of work or at a strategic time prior to this concluding point, the Department and the City Administration will evaluate the outcomes with the selected consultant and consider an opportunity for the engagement to continue to a subsequent phase of work that would include a defined level of project initiation and implementation by the City of Durham. Examples of this work may include:

- a) Assessing the strategic and financial feasibility of initiating a residential project (or projects);
- b) Engaging stakeholders and potential development partners to produce a common vision for a project;
- c) Determining location options for a project;
- d) Resource development and deal structuring for a project; or
- e) Guidance to the Department on project implementation.

Responses to this RFQ will be received, reviewed and scored by a panel assembled by the Department and the City Administration. One to three finalists will be selected for an interview. Afterwards, the Department will enter into negotiations with the highest ranking proposer as determined by the evaluation panel to finalize the scope of work.

60. Definitions in this RFQ: City, RFQ, Response, Proposal, Candidate, Contractor.

Unless the context indicates otherwise – (a) The expressions “RFQ,” “this RFQ,” and “the RFQ” refer to this document as it may be amended or updated. (b) “City” and “city” mean the City of Durham. (c) The “Proposal” and the “response” both refer to the actual document prepared by the person, consulting firm or corporation that submits a reply to this RFQ. (d) The word “candidate” and the word “responder” both refer to the person, firm or corporation that submits a response or that is considering submitting a response. (e) The word “contractor” is the person, firm, or corporation with which the City enters into an agreement to provide the services sought by this RFQ.

70. Contract. The City anticipates that at the conclusion of the RFQ process, a written agreement between the City and the selected consulting firm will be executed. This agreement will contain a detailed scope of work, final work timelines, and the roles and responsibilities of each party.

80. Trade Secrets and Confidentiality: N/APP

90. Bonds. No fidelity bond, performance bond or payment bond is required for this agreement.

100. Insurance. Insurance requirements are applicable to the submittal of a response to this RFQ.

INSURANCE REQUIREMENTS

Contractor agrees to maintain, on a primary basis and at its sole expense, at all times during the life of this Contract the following applicable coverage's and limits. The requirements contained herein, as well as City's review or acceptance of insurance maintained by Contractor is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by Contractor under this Contract.

Commercial General Liability – Combined single limit of no less than \$1,000,000 each occurrence and \$2,000,000 aggregate. Coverage shall not contain any endorsement(s) excluding nor limiting Product/Completed Operations, Contractual Liability or Cross Liability.

Umbrella or Excess Liability – Contractor may satisfy the minimum liability limits required above under an Umbrella or Excess Liability policy. There is no minimum Per Occurrence limit of liability under the Umbrella or Excess Liability, however, the Annual Aggregate limits shall not be less than the highest 'Each Occurrence' limit for required policies. Contractor agrees to endorse City of Durham as an 'Additional Insured' on the Umbrella or Excess Liability, unless the Certificate of Insurance states the Umbrella or Excess Liability provides coverage on a 'Follow-Form' basis.

Worker's Compensation & Employers Liability – Contractor agrees to maintain Worker's Compensation Insurance in accordance with North Carolina General Statute Chapter 97 and with Employer Liability limits of no less than \$1,000,000 each accident, each employee and policy limit. This policy must include a Waiver of Subrogation.

Additional Insured – Contractor agrees to endorse the City as an Additional Insured on the Commercial General Liability. The Additional Insured shall read 'City of Durham as its interest may appear'.

Certificate of Insurance – Contractor agrees to provide City of Durham a Certificate of Insurance evidencing that all coverage's, limits and endorsements required herein are maintained and in full force and effect, and Certificates of Insurance shall provide a minimum thirty (30) day endeavor to notify, when available, by Contractor's insurer. If Contractor receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, Contractor agrees to notify the City within five (5) business days with a copy of the non-renewal or cancellation notice, or written specifics as to which coverage is no longer in compliance. The Certificate Holder address should read:

City of Durham
Attn: Department of Community Development
101 City Hall Plaza
Durham, NC 27701

All insurance companies must be authorized to do business in North Carolina and be acceptable to the City of Durham's Risk Manager.

110. Discretion of the City:

- A. The City of Durham reserves the right to reject any or all responses.
- B. NOTWITHSTANDING anything to the contrary in this document or in any addendums to this document, unless the contrary provision refers specifically to this provision, the City reserves the right (i) to negotiate changes of any nature with any responding firm with respect to any term, condition, or provision in this document and/or in any responses, whether or not something is stated to be mandatory and whether or not it is said that a response will be rejected if certain information or documentation is not submitted with it, and (ii) to enter into an agreement for some or all of the work with one or more persons, firms or corporations that do not submit responses. For example, all deadlines are for the administrative convenience or needs of the City and may be waived by the City in its discretion. This subparagraph B applies to the entire RFQ, including the SDBE portions.
- C. Where the City asks or tells responding firms to do stated things, such as that a response should follow a stated format or that the responding firm should do stated things in seeking the contract, the City may reject a response because it does not comply with those requests, so the responding firm is adding to its risk of rejection by non-compliance. Still, the City may, in its discretion, waive non-compliance. This subsection (C) does not limit subsections (A) and (B).
- D. Of course, once an agreement is signed, the parties to the agreement may enforce the agreement according to its terms as allowed by applicable law.

SCHEDULE

120. Schedule. The work schedule set out herein represents the City's best estimate of the schedule that will be followed. If a component of the schedule, such as the completion date is delayed, the overall schedule will be adjusted accordingly.

Deadline to Submit Responses: Firms that are responding to this RFQ should see that their responses are received at the following address by April 10, 2015, at 4:00 PM: Department of Community Development, 807 E. Main Street, Suite 2-200, Durham, NC 27701.

GETTING MORE INFORMATION ON THE PROJECT AND RFQ PROCESS

150. Questions. Questions about the RFQ and the RFQ process should be submitted to the project manager identified at the beginning of this RFQ in writing and must be received by April 10, 2015.

160. Pre-Submittal Conference. A non-mandatory pre-submittal conference will be held at 10 am on Friday, March 27, 2015, at the Department of Community Development located at 807 E. Main Street, Suite 2-200, Durham, NC 27701. If calling into the meeting please dial 1-877-959-2345 or 919-459-2345 and enter the Guest ID 36812.

170. Updates and revisions to RFQ. This RFQ and addendums are normally posted on the City's website, on the Purchasing Division's webpage posted below. Check that webpage to see that you have received all addenda at: <http://durhamnc.gov/ich/asfin/Pages/bids.aspx>.

EVALUATION CRITERIA

180. Evaluation Criteria. In the contents of the RFQ, the responder must submit information on the following items in narrative form with any chosen supporting documents:

- *An overall introduction of the firm and an overview of the services offered and why this engagement is of interest. Include the persons that will lead this engagement and qualifications of persons who are likely to be assigned.*
- *Background and experience in affordable housing development to include planning, creating strategies for increasing affordable units, financing strategies known and used, project management experience and number of projects in which the firm has been a resource. (25 points)*
- *Background, knowledge and experience with HUD Entitlement Programs including HOME, CDBG, HOPWA, ESG and the Homeless Programs, along with experience in providing support to local entitlement jurisdictions. Identify jurisdictions served and in what role or capacity. Additionally, include any experience in working with public housing programs and local housing authorities. (25 points)*
- *Background, knowledge and experience with Transit Oriented Development (TOD), affordable housing development, and affordable housing development experience within TOD areas. Please provide the names of communities and the nature of the engagement. (25 points)*
- *A description on the firm's understanding of this engagement and why the firm is suited for this work. (25 points)*

Each of these areas will be scored on a scale of 0 to 25 points, more a maximum possible scoring of 100 points for the response.

CONTENTS OF RESPONSES

240. Contents of Responses. Responders must state the full, exact name of the submitting firm and the exact status of the entity's existence such as individual, corporation, partnership, Limited Liability Company, etc. Provide the name, address and full contact information of the person (or persons) whom the Department should contact regarding the response. If the State under which the entity is organized is not North Carolina, specify whether the candidate has received a certificate of authority from the N. C. Secretary of State to transact business in North Carolina. State whether the entity is in existence at the time the response is submitted, and if not, whether and when the candidate intends to officially form the entity. State the names and titles of the individuals who will sign the agreement with the City.

In response to this RFQ, the City of Durham seeks to receive detailed information on the qualifications, skills, capabilities and experience of each consultant or firm in performing work related to the development of affordable housing. The responses will be reviewed, scored and ranked by a panel of City of Durham staff persons. The City will invite the top 1 to 3 scoring firms for an interview with the panel for additional insights on the submitted response and the work being sought by the City. A firm will be selected to negotiate and design a final structure and scope for the engagement which will be captured in a contract for services. The City contemplates an approximate two year engagement.

Non-collusion. This RFQ constitutes an invitation to bid or propose. Sign the following and include it with your response:

The City of Durham prohibits collusion, which is defined as a secret agreement for a deceitful or fraudulent purpose.

I, _____ affirm that I have not engaged in collusion with any City employee(s), other person, corporations for firms relating to this submittal. I understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.

Signature_____

COVER LETTER WITH QUALIFICATIONS

250. Cover letter. The proposal should contain a cover letter, signed by a principal of the candidate. The cover letter should contain the following statements:

“The undersigned, whose title and position with the candidate are stated next to or beneath his or her signature, has the authority to submit these Qualifications (including this cover letter) on behalf of the candidate in response to the City of Durham’s Request for Qualifications. Our Qualifications accepts the terms and conditions stated in the RFQ, including the description of services to be performed and the provisions of the agreement to be signed.”

The cover letter should contain the paragraph:

“The candidate is not submitting any trade secrets to the City in connection with this proposal or the contract; if the agreement is awarded to the candidate, the candidate will not submit any trade secrets to the City in connection with this proposal or the agreement. The candidate acknowledges that the City will rely on the preceding sentence.”

HOW TO SUBMIT A REQUEST FOR QUALIFICATIONS

270. How to submit a Request For Qualifications (RFQ).

Applicants should submit their responses in a sealed envelope. The envelope should be addressed for delivery to the Project Manager at the address shown in the “Project Manager and Contact with City” section at the beginning of this RFQ.

Write the following prominently on the outside of the envelope: “Request for Qualifications for Affordable Housing Strategic Planning.”

Proposals are to be received no later than 4:00 PM on April 10, 2015. Submittals should not be made by email or fax.

280. Format. No format is specified. One original and five copies of the response should be submitted.

290. Alternative Proposals: N/APP

300. Candidate to Bear Expense; No Claims against City. No candidate will have any claims or rights against the City arising out of the participation by a candidate in the RFQ process. No candidate will have any claims or rights against the City for the City’s failure to award a contract to it or for awarding a contract to another person, firm, or corporation, regardless of whether the other person, firm, or corporation participated in the RFQ process or did not submit a Proposal that complied with the RFQ. A notice of award will not constitute acceptance by the City; the City’s only method of acceptance is the City’s execution of a formal contract in accordance with law.

310. Privilege License: The City's practice is that if a City privilege license is required to perform the work under the agreement, the candidate needs to obtain the license before the City will sign the agreement. For information on this license, call (919) 560-4700 or see http://www.durhamnc.gov/departments/finance/business_license.cfm. A current license is not required to submit the Proposal.

320. Notice Under the Americans with Disabilities Act (ADA): The City of Durham will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program, service, or activity, should contact Ms. Stacey Poston, ADA Coordinator, voice 919-560-4197, fax 560-4196, TTY 919-560-1200, or Stacey.Poston@durhamnc.gov, as soon as possible but no later than 48 hours before the scheduled event.

Equal Business Opportunity Program

It is the policy of the City to provide equal opportunities for City contracting for small firms owned by socially and economically disadvantaged persons doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct present effects of past discrimination and to resolve complaints of discrimination. This policy applies to all professional services categories.

While there are no SDBE participation goals for this project, in accordance with the Ordinance, all contractors are required to provide information requested in the "SDBE Professional Services Forms" package. It is the intention of the City that proposals that do not contain the appropriate, completed "Professional Services Forms" will be deemed non-responsive and ineligible for consideration and that the "Declaration of Performance," "Participation Documentation," "Managerial Profile," "Equal Employment Opportunity Statement" and the "Employee Breakdown" documents are required of all contractors. In lieu of the "Employee Breakdown," contractors may submit a copy of the current EEO-1 form (corporate basis). The "Letter of Intent to Perform as a Sub-consultant/Subcontractor" must be completed for SDBEs proposed to perform on a contract. This form must be submitted with the proposal. The "SDBE Goals Not Met/Documentation of Good Faith Efforts" form must be submitted if the goals are not met. The "Post Proposal Submission SDBE Deviation" form is not applicable at this time.

The Department of Equal Opportunity/Equity Assurance is responsible for the Equal Business Opportunity Program. All questions about "SDBE Professional Services Forms" should be referred to Deborah Giles or other department staff at (919) 560- 4180.



CITY OF DURHAM SMALL DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

PROFESSIONAL SERVICES FORMS

Revised 06/08



Mailing Address:

**101 City Hall Plaza
Durham, North Carolina 27701
Phone: 919-560-4180
Facsimile: 919-560-4513**

Street Address:

**101 City Hall Plaza (Annex)
Durham, North Carolina 27701**

The Department of Equal Opportunity/Equity Assurance
Good Things Are Happening In Durham

CITY OF DURHAM EQUAL BUSINESS OPPORTUNITY PROGRAM

Policy Statement

It is the policy of the City to provide equal opportunities for City contracting to small firms owned by socially and economically disadvantaged persons doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct the present effects of past discrimination and to resolve complaints of discrimination.

Goals

To increase the dollar value of all City contracts for goods and services awarded to small disadvantaged business enterprises, it is a desire of the City that the contractor will voluntarily undertake efforts to increase the participation of socially and economically disadvantaged individuals at higher skill and responsibility levels within non-minority firms engaged in contracting and subcontracting with the City.

The Equal Opportunity/Equity Assurance Director shall establish project specific goals for each project or contract based upon the availability of small disadvantaged business enterprises (SDBE's) within the defined scope of work, delineated into percentages of the total value of the work.

**Equal Business Opportunity Ordinance
SDBE Participation Documentation**

If applicable information is not submitted with your proposal, your proposal will be deemed non-responsive.

Declaration of Performance must be completed and submitted with your proposal.

SDBE Participation Documentation must be used to document participation of Small Disadvantaged Business Enterprise (SDBE) on Professional Services projects. All SDBEs must be certified by the City of Durham's Equal Opportunity/Equity Assurance Department prior to submission date. If a business listed has not been certified, the amount of participation will be reduced from the total utilization.

Managerial Profile must be used to list the managerial persons in your workforce who will be participating in this project.

Equal Employment Opportunity Statement for your company must be completed and submitted with your proposal.

Employee Breakdown must be completed and submitted for the location providing the service/commodity. If the parent company will be involved in providing the service/commodity on the City contract, a consolidated employment breakdown must be submitted.

Letter of Intent to Perform as a Sub-consultant/Subcontractor must be completed for SDBEs proposed to perform on a contract. This form must be submitted with the proposal.

Post Proposal Submission SDBE Deviation

Post proposal submission SDBE deviation participation documentation must be used to report and deviation from SDBE participation either prior to or subsequent to startup of the project. The Equal Opportunity/Equity Assurance Department must be notified if the proposed sub-consultant/subcontractor is unable to perform and for what reasons. Substitutions of sub-consultants/subcontractor, both prior to and after awarding of a contract, are subject to City approval.

SDBE Goals Not Met/Documentation of Good Faith Efforts

It is the responsibility of consultants/contractors to make good faith efforts. Good Faith Efforts means the sum total of efforts by a particular business to provide equitable participation of socially and economically disadvantaged employees and sub-consultants/subcontractors.

Whenever contract alternatives, amendments or extra work orders are made individually or in the aggregate, which increase the total value of the original contract, the consultant must make a good faith effort to increase SDBE participation such that the amounts subcontracted are consistent with the established goals.

SELECTION OF CONSULTANTS/CONTRACTORS FOR ARCHITECTURAL/ENGINEERING AND OTHER PROFESSIONAL SERVICES

Goal

The purpose is to provide Small Disadvantaged Businesses equal opportunities for participation on City of Durham contracts.

Definition of the Scope of the Selection Policy

The Equal Opportunity/Equity Assurance Director shall establish SDBE participation goals for each contract to be awarded by the City. Project specific goals for each project or contract will be based upon the availability of small disadvantaged business enterprises (SDBE's) within the defined scope of work, delineated into percentages of the total value of the work.

In addition to SDBE's specifically certified by the City and listed in a database maintained by the EO/EA Department, the City of Durham may consider a formal certification of another entity to determine whether an applicant meets requirements of the Equal Business Opportunity Program, provided that the City Manager or designee determines that the certification standards of such entity are comparable to those of the City. The City of Durham has determined that the following certifications are comparable to its own and may be used by bidders/proposers: North Carolina Department of Transportation (N.C. DOT), United States Small Business Administration (U.S. SBA) and Raleigh-Durham Airport Authority (RDU).

In lieu of SDBE's listed in its SDBE System, the City of Durham will accept women and minority firms certified by N.C. DOT, U.S. SBA and RDU as meeting its SDBE goal requirements provided the bidder/proposer submits evidence that the firm is currently certified by one of the stated entities at the time of bid/proposal. Failure to provide evidence of certification may disqualify the firm's participation for the purpose of meeting SDBE goals.

Any firm submitted in this manner will be contacted and urged to complete an abbreviated certification process with the City of Durham. For purposes of this document and associated forms, any reference to a "City Certified SDBE," an "SDBE certified by the City" or similar reference shall include reference to a qualified women or minority owned firm certified and approved in accordance with the above paragraphs, even where specific reference is made to the City SDBE database.

Small Disadvantaged Business Proposal Requirements

The prime consultant/contractor shall submit a proposal in accordance with the City of Durham's Request for Proposal. In addition, the prime consultant/contractor must submit all required Professional Services SDBE Forms.

Selection Committee for Professional Services

A selection committee shall be established to be composed of the following: City Manager or a designated representative of this office; Director of Finance or a designated representative of this office; department head responsible for the project; City Engineer if engineering services

are involved; the Equal Opportunity/Equity Assurance Director and Purchasing Manager. Other representatives shall be called upon as needed based on their areas of expertise.

The committee shall screen the proposals based on the following criteria:

1. Firms; interest in the project;
2. Current work in progress by firm;
3. Past experience with similar projects;
4. General proposal for carrying out the required work;
5. Designation of key personnel who will handle the project, with resume for each;
6. Proposed associate consultants/contractors, SDBE sub consultants;
7. Indication of capability for handling project;
8. Familiarity with the project;
9. Fees that have been charged for recent comparable projects;
10. References;
11. SDBE Participation; and
12. Documentation of Good Faith efforts.

After ranking the firms presenting proposals based on the above criteria, interviews will be conducted by the selection committee with the top ranked firms (3-5). The contracting department will make the final recommendation, prepare contracts for review by the City Attorney, and prepare the recommendation for the City Council including the following:

1. Description and scope of the project;
2. Recommended firm;
3. Contract cost;
4. Time limits;
5. Basis for selection;
6. Source for funding;
7. Equal Business Opportunity Ordinance compliance; and
8. Recommendation that the contract be approved by the City Council.

Contract Award

A provision must be written in each contract with an architect or engineer requiring them to work with Equal Opportunity/Equity Assurance Department in creating and identifying separate work.

Project Evaluation

An evaluation shall be made of each contract after its completion to be used in consideration of future professional services contracts. The evaluation shall cover appropriate items from the check list for ranking applicants. A copy of the evaluation shall be given to the consultant, and any comment he/she cares to make shall be included in the files.

DECLARATION OF PERFORMANCE BY CONSULTANT/CONTRACTOR

Briefly address each of the following items:

1. A brief synopsis of the company and the products/services it provides:
2. Describe the normal procedure used on a bid of this type, giving the flow of purchase from the company to the ultimate purchaser:
3. List anyone outside of your company with whom you will contract on this bid:

The undersigned consultant/contractor certifies that: (check appropriate box)

- a) _____ It is the normal business practice of the consultant/contractor to perform all elements of the contract with its own workforce without the use of subcontractors/vendors; and
- b) _____ That the above documentation demonstrates this *firm's* capabilities to perform all elements of the contract with its own work force or without the use of subcontractors/vendors.
- c) _____ The vendor/contractor will use a sub consultant(s) in the fulfillment of this scope of work.

Date

Authorized Signature

PARTICIPATION DOCUMENTATION
(TO BE COMPLETED BY PRIME CONSULTANT/CONTRACTOR ONLY)

**Names of all firms
 Project (including
 prime and
 Sub consultants/sub-
 contractors)**

Location

**SDBE
 Firm
 Yes/No**

**Nature
 of
 Participation**

**% of Project
 Work**

TOTAL _____

Name - Authorized Officer of Prime Consultant/Contractor Firm (Print/Type)

Signature - Authorized Officer of Prime Consultant/Contractor Firm

Date

Managerial Profile

Name of Firm: _____

Contact Person: _____

Title: _____

Address: _____

Telephone No.: _____

Date: _____

List the managerial persons in your work force who will be participating in this project, including name, position, and whether the individuals are minority or woman within the definition* of the City of Durham's Equal Business Opportunity Ordinance.

Managerial Employees

NAME	POSITION	SOCIALLY/ECONOMICALLY DISADVANTAGED* (YES/NO)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

* M-Minority(African American) W-Woman Other-H-Hispanic, AI-American Indian, AS-Asian American, Handicapped

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT
(You may submit your organization's EEO policy in lieu of this sheet)

EMPLOYEE BREAKDOWN

Part A – Employee statistics for the primary location.

				M— a — l — e — s					F — e — m — a — l — e — s				
Employment category	Total employees	Total males	Total females	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project manager													
Professional													
Technical													
Clerical													
Labor													
Totals													

Part B – Employee statistics for the consolidated company. *(See instructions for this form on whether this part is required.)*

				M— a — l — e — s					F — e — m — a — l — e — s				
Employment category	Total employees	Total males	Total females	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project manager													
Professional													
Technical													
Clerical													
Labor													
Totals													

Letter of Intent to Perform as a Sub-Consultant

The undersigned intends to perform work in connection with the above project as a SDBE:

Minority (African American) • Woman • Hispanic •
American Indian • Asian American • Handicapped •

The SDBE status of the undersigned is certified by the City of Durham as identified by the attached copy of certification or the attached SDBE Contractor Identification List supplied by the EO/EA Department.

The undersigned is prepared to perform the following described work in connection with the above project (specify in detail particular work items or parts thereof to be performed):

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

<u>ITEMS</u>	<u>PROJECTED COMMENCEMENT DATE</u>	<u>PROJECTED COMPLETION DATE</u>

The consultant will subcontract _____% of the dollar value of this contract to a SDBE sub consultant/subcontractor and/or non-SDBE sub consultant/subcontractor.

The undersigned will enter into a formal agreement in the amount of \$_____ for the above work with you, conditioned upon your execution of a contract with the City of Durham.

Name_____ Title_____

Company_____ Telephone_____

Address_____

Signature_____

REQUEST TO CHANGE SDBE PARTICIPATION

Project: _____

Name of bidder or consultant: _____

Name and title of representative bidder or consultant: _____

Address (including zip code): _____

Telephone number: _____ Fax number: _____

Email address: _____

Total amount of original contract, before any change orders or amendments: _____

Total amount of the contract, including all approved change orders and amendments to date, but not counting the changes proposed in this form: _____

Dollar amount of changes proposed in this form: _____

The proposed change (*check one*) ☐ **increases** ☐ **decreases** the dollar amount of the bidder's/consultant's contract with the City.

Does the proposed change decrease the SDBE participation? (*check one*) ☐ **yes** ☐ **no**

If the answer is **yes**, complete the following:

BOX A. For the subcontract proposed to be changed (increased, reduced, or eliminated):

Name of sub consultant: _____

Goods and services to be provided before this proposed change: _____

Is it proposed to eliminate this subcontract? ☐ yes ☐ no

If the subcontract is to be increased or reduced, describe the nature of the change (*such as adding \$5,000 in environmental work and deleting \$7,000 in architectural*): _____

Dollar amount of this subcontract before this proposed change: _____

Dollar amount of this subcontract after this proposed change: _____

This sub consultant is (*check one*):

- ☐ 1. City-certified Black-owned SDBE
- ☐ 2. City-certified Women-owned SDBE
- 3. City-certified SDBE that is neither Black-owned nor women owned, but to be credited as
 - 3(a) ☐ Black-owned SDBE
 - 3(b) ☐ Women-owned SDBE
- ☐ 4. not a City-certified SDBE

BOX B. Proposed subcontracts other than the subcontract described in Box A above

Name of subcontractor for the new work: _____

Goods and services to be provided by this proposed subcontract: _____

Dollar amount proposed of this proposed subcontract: _____

This subcontractor is (*check one*):

- ☐ 1. City-certified Black-owned SDBE
- ☐ 2. City-certified women-owned SDBE
- 3. City-certified SDBE that is neither Black-owned nor women owned, but to be credited as
 - 3(a) ☐ Black-owned SDBE
 - 3(b) ☐ Women-owned SDBE
- ☐ 4. not a City-certified SDBE

Add additional sheets as necessary.

SDBE GOALS NOT HAVING BEEN MET. The following information must be presented by the consultant concerning good faith efforts taken.

It is the responsibility of consultants to make good faith efforts. Any act or omission by the City shall not relieve them of this responsibility. For future efforts, it shall be comprised of such efforts which are proposed to allow equitable participation of socially and economically disadvantaged employees and sub-consultants/subcontractors. The City Manager shall apply the following criteria, with due consideration of the quality, quantity, intensity and timeliness of efforts of consultants/contractors, in determining good faith efforts to engage SDBEs along with other criteria that the City Manager deems proper:

Name of Bidder: _____

If you find it helpful, feel free to attach pages to explain your answers. How many pages is your firm attaching to this questionnaire? _____ (Don't count the 2 pages of this questionnaire.)

If a yes or no answer is not appropriate, please explain the facts. All of the answers to these questions relate only to the time before your firm submitted its bid or proposal to the City. In other words, actions that your firm took after it submitted the bid or proposal to the City cannot be mentioned or used in any answers.

1. SOLICITING SDBEs.

- (a) Did your firm solicit, through all reasonable and available means, the interest of all SDBEs certified (that is, in the City's database) in the scope of work of the contract? ☐ **yes** ☐ **no**
- (b) In such soliciting, did your firm advertise? ☐ **yes** ☐ **no** Are you attaching copies to this questionnaire, indicating the dates and names of newspaper or other publication for each ad if that information is not already on the ads? ☐ **yes** ☐ **no**
- (c) In such soliciting, did your firm send written (including electronic) notices or letters? Are you attaching one or more sample notices or letters? ☐ **yes** ☐ **no**
- (d) Did your firm attend the pre-bid conference? ☐ **yes** ☐ **no**
- (e) Did your firm provide interested SDBEs with timely, adequate information about the plans, specifications, and requirements of the contract? ☐ **yes** ☐ **no**
- (f) Did your firm follow up with SDBEs that showed interest? ☐ **yes** ☐ **no**
- (g) With reference to the SDBEs that your firm notified of the type of work to be subcontracted, did your firm tell them:
 - (i) the specific work your firm was considering for subcontracting? ☐ **yes** ☐ **no**
 - (ii) that their interest in the contract is being solicited? ☐ **yes** ☐ **no**
 - (iii) how to obtain and inspect the applicable plans and specifications and descriptions of items to be purchased? ☐ **yes** ☐ **no**

2. BREAKING DOWN THE WORK.

(a) Did your firm select portions of the work to be performed by SDBEs in order to increase the likelihood that the goals would be reached? ☐ **yes** ☐ **no**

(b) If **yes**, please describe the portions selected. **ANSWER:**

3. **NEGOTIATION.** In your answers to 3, you may omit information regarding SDBEs for which you are providing Form E-105.

(a) What are the names, addresses, and telephone numbers of SDBEs that you contacted? **ANSWER:**

(b) Describe the information that you provided to the SDBEs regarding the plans and specifications for the work selected for potential subcontracting. **ANSWER:**

(c) Why could your firm not reach agreements with the SDBEs that your firm made contact with? Be specific. **ANSWER:**

4. ASSISTANCE TO SDBEs ON BONDING, CREDIT, AND INSURANCE.

(a) Did your firm or the City require any subcontractors to have bonds, lines of credit, or insurance? ☐ **yes** ☐ **no** (Note: In most projects, the City has no such requirement for *subcontractors*.)

(b) If the answer to (a) is **yes**, did your firm make efforts to assist SDBEs to obtain bonds, lines of credit, or insurance? ☐ **yes** ☐ **no** If **yes**, describe your firm's efforts. **ANSWER:**

(c) Did your firm provide alternatives to bonding or insurance for potential subcontractors? ☐ **yes** ☐ **no** If **yes**, describe. **ANSWER:**

5. **GOODS AND SERVICES.** What efforts did your firm make to help interested SDBEs to obtain goods or services relevant to the proposed subcontracting work? **ANSWER:**

6. USING OTHER SERVICES.

(a) Did your firm use the services of the City to help solicit SDBEs for the work? ☐ **yes** ☐ **no**
Please explain. **ANSWER:**

(b) Did your firm use the services of available minority/women community organizations, minority and women contractors' groups, government-sponsored minority/women business assistance agencies, and other appropriate organizations to help solicit SDBEs for the work? ☐ **yes** ☐ **no**
Please explain. **ANSWER:**